

## REMARKS

Applicant respectfully requests reconsideration of the rejections of claims 13-17, 23-28. Each of the claims stand rejected. Claims 13, 14 and 23 stand rejected over Kristen (U.S. Patent 4,941,310) under 35 U.S.C. § 102(b). Claims 15-17 and 24-27 stand rejected over Kristen in view of Maki (U.S. Patent 3,800,503) under 35 U.S.C. § 103(a). Claim 28 stands rejected over Kristen under 35 U.S.C. § 103(a).

### Claim 13

Applicant claims in claim 13:

13. A vacuum packaging appliance for use in evacuating a container, said vacuum packaging appliance comprising:  
a vacuum source;  
a base defining an upper support surface and including a trough, said upper support surface and said trough adapted to receive an open end of said container, said trough useful for capturing liquids and contaminants removed from said container during operation of said vacuum packaging appliance, *said trough removable from said base*; and  
a lid operatively associated with said base, said lid and trough defining a vacuum chamber there between to receive said open end of said container, said vacuum chamber operatively coupled with said vacuum source.  
(emphasis added)

The Office Action states that a trough is shown in Kristen. Additionally, in rejecting claims 15-17 and 24-27, the Office Action states "Kristen shows trough 34 that appears to be removable" to reject the claims. There is no citation to a description in Kristen indicating the trough 34 is removable. Similarly, there is no citation to a drawing in Kristen showing trough 34 to be removable. Thus, Applicant submits that the trough of Kristen has not been shown to be removable, and thus that the claimed invention of claim 13 is patentable. Applicant accordingly

requests, for at least these reasons, that the rejection of claim 13 be withdrawn. Applicant does not address, but also does not concede, any other deficiencies in this rejection.

#### Claim 15

Applicant claims in claim 15:

15. A vacuum packaging appliance as recited in claim 13, wherein *said trough* is coupled to said base via a tongue and groove such that a user may remove said trough by pulling said trough in a sliding motion out from said base.  
(emphasis added)

The Office Action states that a trough is shown in Kristen. Additionally, in rejecting claims 15-17 and 24-27, the Office Action states "Kristen shows trough 34 that appears to be removable" to reject the claims. There is no citation to a description in Kristen indicating the trough 34 is removable. Similarly, there is no citation to a drawing in Kristen showing trough 34 to be removable. Thus, Applicant submits that the trough of Kristen has not been shown to be removable. Similarly, no statement as to where a removable trough may be found in Maki is provided in the Office Action. Thus, Applicant submits that the combination of Kristen and Maki do not teach or suggest the claimed invention of claim 15, as an element of the independent claim 13 (the removable trough) has not been shown. Applicant accordingly requests, for at least these reasons, that the rejection of claim 15 be withdrawn. Applicant does not address, but also does not concede, any other deficiencies in this rejection.

#### Claim 23

Applicant claims in claim 23:

23. A method of operating a vacuum packaging appliance to evacuate a container, said vacuum packaging appliance having a lid and a base that must be engaged during operation in order to properly evacuate said container, said method comprising:

inserting *a removable trough* into said vacuum packaging appliance, said trough arranged to capture at least some of any contaminants evacuated from said container during operation of said vacuum packaging appliance;

coupling an open end of said container with a vacuum source and said trough, thereby forming a vacuum circuit suitable for evacuating said container when said vacuum source is operating;

engaging said lid and said base in a manner intended to close said vacuum circuit;

evacuating said container via said vacuum circuit; and

capturing said at least some of any contaminants in said removable trough.

(emphasis added)

The Office Action states that a trough is shown in Kristen. Additionally, in rejecting claims 15-17 and 24-27, the Office Action states "Kristen shows trough 34 that appears to be removable" to reject the claims. There is no citation to a description in Kristen indicating the trough 34 is removable. Similarly, there is no citation to a drawing in Kristen showing trough 34 to be removable. Thus, Applicant submits that the trough of Kristen has not been shown to be removable, and thus that the claimed invention of claim 23 is patentable. Applicant accordingly requests, for at least these reasons, that the rejection of claim 23 be withdrawn. Applicant does not address, but also does not concede, any other deficiencies in this rejection.

#### Claim 24

Applicant claims in claim 24:

24. A method of operating a vacuum packaging appliance to evacuate a container as recited in claim 23, wherein inserting *said removable trough* includes:

opening a bay door in said vacuum packaging appliance;  
sliding *said removable trough* into a groove found behind  
said bay door; and  
closing said bay door.  
(emphasis added)

The Office Action states that a trough is shown in Kristen. Additionally, in rejecting claims 15-17 and 24-27, the Office Action states "Kristen shows trough 34 that appears to be removable" to reject the claims. There is no citation to a description in Kristen indicating the trough 34 is removable. Similarly, there is no citation to a drawing in Kristen showing trough 34 to be removable. Thus, Applicant submits that the trough of Kristen has not been shown to be removable. Similarly, no statement as to where a removable trough may be found in Maki is provided in the Office Action. Thus, Applicant submits that the combination of Kristen and Maki do not teach or suggest the claimed invention of claim 24, as an element of the independent claim 23 (the removable trough) has not been shown. Applicant accordingly requests, for at least these reasons, that the rejection of claim 24 be withdrawn. Applicant does not address, but also does not concede, any other deficiencies in this rejection.

#### Claim 26

Applicant claims in claim 26:

26. A method as recited in claim 23, further comprising:  
sensing a contaminant level within *said removable trough*.  
(emphasis added)

The Office Action states that a trough is shown in Kristen. Additionally, in rejecting claims 15-17 and 24-27, the Office Action states "Kristen shows trough 34 that appears to be removable" to reject the claims. There is no citation to a description in Kristen indicating the trough 34 is removable. Similarly, there is no citation to a drawing in Kristen showing trough 34

to be removable. Thus, Applicant submits that the trough of Kristen has not been shown to be removable. Similarly, no statement as to where a removable trough may be found in Maki is provided in the Office Action. Thus, Applicant submits that the combination of Kristen and Maki do not teach or suggest the claimed invention of claim 26, as an element of the independent claim 23 (the removable trough) has not been shown. Applicant accordingly requests, for at least these reasons, that the rejection of claim 26 be withdrawn. Applicant does not address, but also does not concede, any other deficiencies in this rejection.

#### Claim 28

Applicant claims in claim 28:

28. A method of operating a vacuum packaging appliance to evacuate a container as recited in claim 23, further comprising:  
removing *said removable trough* from said vacuum packaging appliance; and  
cleaning *said removable trough*.  
(emphasis added)

The Office Action states that a trough is shown in Kristen. Additionally, in rejecting claims 15-17 and 24-27, the Office Action states "Kristen shows trough 34 that appears to be removable" to reject the claims. There is no citation to a description in Kristen indicating the trough 34 is removable. Similarly, there is no citation to a drawing in Kristen showing trough 34 to be removable. Thus, Applicant submits that the trough of Kristen has not been shown to be removable. Thus, Applicant submits that Kristen does not teach or suggest the claimed invention of claim 28, as an element of the independent claim 23 (the removable trough) has not been shown. Applicant accordingly requests, for at least these reasons, that the rejection of claim 28

be withdrawn. Applicant does not address, but also does not concede, any other deficiencies in this rejection.

#### Dependent Claims

Of the rejected claims, claims 14, 16, 17, 25 and 27 each depend on a claim already shown to be allowable. Accordingly, each of these claims is likewise allowable. Applicant thus respectfully requests that the rejection of these claims be withdrawn.

#### Official Notice


The Office Action takes Official Notice at several points. Applicant contests each instance of Official Notice, and requests that a reference be supplied to illustrate each element of each claim. Specifically, Applicant contests Official Notice of the use of a door means. Applicant also contests Official Notice of the sensing and warning elements. Applicant also contests the implicit Official Notice that cleaning elements containing contaminants is well known.

### **CONCLUSION**

If the Examiner believes that a conference would be of value in expediting the prosecution of this application, the Examiner is cordially invited to telephone the undersigned counsel at (650) 838-4300 to arrange for such a conference. No fees are believed to be due, however, the Commissioner is authorized to charge any underpayment in fees to Deposit Account No. 50-2207, including any funds necessitated due to an accompanying check being drawn on an account with insufficient funds. To the extent necessary and not otherwise requested, Applicant requests an Extension of Time to respond to the Office Action, and requests that the fee for such an extension be charged to Deposit Account number 50-2207.

Respectfully submitted,  
Perkins Coie LLP

Date: October 14, 2005

  
Glenn E. Von Tersch  
Registration No. 41,364

**Correspondence Address:**

Customer No. 22918  
Perkins Coie LLP  
P.O. Box 2168  
Menlo Park, California 94026  
(650) 838-4300